

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 164

SENATE BILL 1333

AN ACT

AMENDING SECTION 13-1805, ARIZONA REVISED STATUTES; RELATING TO THEFT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-1805, Arizona Revised Statutes, is amended to
3 read:

4 13-1805. Shoplifting; detaining suspect; defense to wrongful
5 detention; civil action by merchant; public
6 services; classification

7 A. A person commits shoplifting if, while in an establishment in which
8 merchandise is displayed for sale, the person knowingly obtains such goods of
9 another with the intent to deprive that person of such goods by:

10 1. Removing any of the goods from the immediate display or from any
11 other place within the establishment without paying the purchase price; or

12 2. Charging the purchase price of the goods to a fictitious person or
13 any person without that person's authority; or

14 3. Paying less than the purchase price of the goods by some trick or
15 artifice such as altering, removing, substituting or otherwise disfiguring
16 any label, price tag or marking; or

17 4. Transferring the goods from one container to another; or

18 5. Concealment.

19 B. ~~Any person who knowingly conceals upon himself or another person~~
20 ~~unpurchased merchandise of any mercantile establishment while within the~~
21 ~~mercantile establishment~~ A PERSON is presumed to have the necessary culpable
22 mental state pursuant to subsection A of this section IF THE PERSON DOES
23 EITHER OF THE FOLLOWING:

24 1. KNOWINGLY CONCEALS ON HIMSELF OR ANOTHER PERSON UNPURCHASED
25 MERCHANDISE OF ANY MERCANTILE ESTABLISHMENT WHILE WITHIN THE MERCANTILE
26 ESTABLISHMENT.

27 2. USES AN ARTIFICE, INSTRUMENT, CONTAINER, DEVICE OR OTHER ARTICLE TO
28 FACILITATE THE SHOPLIFTING.

29 C. A merchant, or a merchant's agent or employee, with reasonable
30 cause, may detain on the premises in a reasonable manner and for a reasonable
31 time any person who is suspected of shoplifting as prescribed in subsection A
32 of this section for questioning or summoning a law enforcement officer.

33 D. Reasonable cause is a defense to a civil or criminal action against
34 a peace officer, a merchant or an agent or employee of the merchant for false
35 arrest, false or unlawful imprisonment or wrongful detention.

36 E. If a minor engages in conduct that violates subsection A of this
37 section, notwithstanding the fact that the minor may not be held responsible
38 because of the person's minority, any merchant WHO IS injured by the
39 shoplifting of the minor may bring a civil action against the parent or legal
40 guardian of the minor under either section 12-661 or 12-692.

41 F. Any merchant who is injured by the shoplifting of an adult or
42 emancipated minor in violation of subsection A of this section may bring a
43 civil action against the adult or emancipated minor pursuant to section
44 12-691.

1 G. Shoplifting property with a value of two thousand dollars or more
2 or shoplifting property during any continuing criminal episode ~~regardless of~~
3 ~~the value of the goods~~ is a class 5 felony. Shoplifting property with a
4 value of one thousand dollars or more but less than two thousand dollars is a
5 class 6 felony. Shoplifting property valued at less than one thousand dollars
6 is a class 1 misdemeanor, unless the property is a firearm in which case the
7 shoplifting is a class 6 felony. For the purposes of this subsection,
8 "continuing criminal episode" means theft OF PROPERTY WITH A VALUE OF ONE
9 THOUSAND FIVE HUNDRED DOLLARS OR MORE IF committed ~~from~~ DURING at least three
10 separate ~~retail establishments~~ INCIDENTS within a period of ~~three~~ NINETY
11 consecutive days WITH THE INTENT TO RESELL THE MERCHANDISE.

12 H. In imposing sentence on a person who is convicted of violating this
13 section, the court may require any person to perform public services
14 designated by the court in addition to or in lieu of any fine that the court
15 might impose.

16 I. A person who commits shoplifting and who has previously committed
17 or been convicted within the past five years of two or more offenses
18 involving burglary, shoplifting, robbery or theft ~~or who in the course of~~
19 ~~shoplifting entered the mercantile establishment with an artifice,~~
20 ~~instrument, container, device or other article that was intended to~~
21 ~~facilitate shoplifting~~ is guilty of a class 4 felony.

APPROVED BY THE GOVERNOR MAY 1, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2007.